

James Whitelock vol. 1.

THE
Succession
TO THE
CROWN
OF
ENGLAND, *K*
Considered.

London, Printed in the Year 1701.

THE
SUCCESSION
TO THE
CROWN
OF
ENGLAND.
Considered.

London, Printed in the Year 1701.

Since the Succession of a Monarch to the
Spanish Monarchy has given us further Cause
to expect an Alliance with our Neighbour
it was to be expected that our Peace at Home
therefore was the better secured.

THE
Succession
TO THE
Crown of England,
Considered.

IT was Remarkable, That the Very Day
the Peace was Proclaim'd in London, the
Moon was in a Total Eclipse, which hap-
pened to be extreamly Visible, just as we
were making Bonfires for Joy.

I am no Dreamer of Dreams, nor the Son
of a Prophet, but I cou'd not avoid hav-
ing some little Concern at the Sight, it seem'd
so Directly to tell us, That our Peace would
have some unexpected Eclipse.

Since the Succession of a *French-man* to the *Spanish* Monarchy, has given us further Cause to expect an Eclipse upon our Peace Abroad, it were to be wisht that our Peace at Home therefore were a little better secured.

The Death of the Duke of Gloucester was the first Blow which seem'd particularly to affect the *English*, after the Conclusion of the Peace, which may very justly be accounted a Misfortune to the Nation, 1. By putting us to the trouble of looking about the World for a successor, 2. By giving Pretensions of Right to such People as our Constitution barrs from possessing the Crown. And 3dly, By giving the *Scots* Opportunity again to Choose whether they will join in a Settlement with Us or no.

Since then the Succession of Crowns, and Revolutions of Kingdoms are so much the general Subjects of Discourse at this time, tis thought it may not be altogether Improper, at least for *Englishmen*, to suspend a little their Concern for the Events of Foreign Affairs, and cast their Eyes upon their Own.

The League of Partition; the late King of Spain's Will; the accepting that Will by the King.

-Kings of France; Instructions of the Duke of An-
jou; the Emperor's declining will; Rights of the
Arch-Duke Charles; the Letters from and to
Madrid and Paris; the Memorial of the French
Ambassador at the Hague; the Process of the
Imperial Envoy at Madrid; the Entry of the
French Troops into Flanders and Milan; and
like, &c. such Matters which take up the
Thoughts, and Employ the Heads of our Po-
liticians, who fill us with their Observations
and Speculations relating to the Spanish Suc-
cession.

But these things, however Material in
themselves, and Eventually of Concern to
us, Ought not so to Divert us, as that we
should forget the proper Juncture which
seems to be at hand, in which an Article will
come before us, the Debate whereof is infi-
nitely of more Consequence than all these, to
us in Particular, if not to Europe in General,
and that is, The Succession of the Crown of Eng-
land.

The Settlement of the Crown of England,
made by Parliaments on the Abdication of the
late King, seems to require some further
Consideration: Fate has made Two Melan-
choly Infractions in the Prospect we had of

a Race of Kings from the Line of the present Establishment, by the Death of the late Queen, and the Duke of Gloucester.

'Tis Evident that if the Princess *Ann* has no more Children, and His Majesty shou'd continue to decline Marrying, *both which are but too probable*, the Settlement of the Crown as made by Consent of Parliament is at a full Stop, and it remains, That the same Authority of Parliament shou'd Consider whole Right it is to Succeed.

I do not think fit to Decide here, Whether the Power of Making and Declaring Kings and Successions, be Vested in the Body of the People Collectively or Representatively. Originally, I think, there is no body ever disputed it, but 'tis immaterial in this Case, because it has been Debated and Decided; the Parliament have asserted their Right in its Practice and Extent, and the present Constitution of England stands firm upon the Basis of that Right.

Nor shall I inquire, so much less Dictate what the Representatives of England assembled in Parliament may or may not think fit to do in the Matter of our Succession, but shall go on to Examine who they are, who, on the
Ex-

Expiration of the present Settlement, may put in their Claims to the Succession of the Crown, and in what particular Circumstances of Right such Claimant may now stand, respecting both the Constitution and Interest of *England*.

The Death of *Queen Elizabeth* finished the Line of our *English Saxon Kings*; the Blood of the *Plantagenets* and *Tudors* were Extinct in all the Branches of them, excepting the *Lady Margaret*, Daughter to *Henry VII.* who being Grandmother to *James the VI.* of *Scotland*, the Crown of *England* Devolv'd upon the Family of the *Stuarts*, in Right of that Match, and so he was Proclaimed King of *England*, by the Name of *King James the First*.

This King had by *Queen Ann*, Daughter to the King of *Denmark*, the following Offspring which is necessary to mention, because we shall meet with them again in the farther Prosecution of this Discourse.

He had Two Sons, *Henry*, who died unmarried. And *Charles*, who Succeeded him in the Throne.

And, Elizabeth Married to the *Palgrave*, afterwards King of *Bohemia*, but Beaten out of both by the Emperor.

The Queen of *Bohemia* left Three Sons, *Charles Lewis*, who being re-instated in the Inheritance of his Father, was Elector *Palatine*, and *Palgrave*, and whose Posterity we shall meet with again; *Maurice* and *Rupert*, who died without Issue.

And besides younger Daughters, one Daughter *Sophia*, Married to *Ernest Augustus*, Duke of *Hanover*, by whom she had the present Duke Elector of *Brunswick*, with Two Sons and one Daughter married to the present Elector of *Brandenburg*, which Duke of *Hanover* must stand fair to Claim whatever Devolves upon that Branch by the right of a Marriage from a Daughter of *England*, in Case the Male Line of *King James the First* should fail, which we come next to consider.

Charles the First, the Son of *King James*, left these Children:

Charles the Eldest, who Reigned after him.

James the Second, who also Reigned after him.

Henry Duke of Gloucester, who died unmarried.

The Lady Mary, Married to the Prince of Orange, Mother to His Present Majesty.

The Lady Elizabeth, who died unmarried.

The Lady Henrietta, married to the Duke of Orleans, by whom she had Anna Maria married to the Duke of Savoy, by whom she has had one Daughter, now the Dutchess of Burgundy, and since that One Son, Prince of Piedmont, and another Daughter, who with their Mother are all living. Of these in their Order.

Charles the Second, left no Legitimate Issue, except One Son, James Duke of Monmouth, whose Birth happening in the Time of his Father's Exile, it remained a Doubt whether he was Legitimate or no; and some People have affirm'd the Contract of Marriage with his Mother, was reserv'd, and had been produced to an English Parliament, if the Bill of Exclusion had not sunk in the Embryo, whereby all those Designs proving Abortive, the Witnesses perished in the General Destruction of his Party, which from that time to the Death of King Charles II. were Banished, drawn into Plots, and died by the Ax or Halter.

After the Death of King Charles II. the Duke of Monmouth entred England in Arms, and published a *Declaration*, not so much founded on his *Right by Birth*, as upon the *Maladministration* of King James, but withal referring the *Examination of his own Legitimacy* to a *Free Parliament*, but he lost the *Day* and his *Life*; and so the *Legitimacy* of his Birth remains *undiscovered* to this day, and he stands *attainted in blood* by Parliament, as an *effectual Bar* against any Claim in his *Posterity*.

Besides this, King Charles II. publicly disown'd him as *Legitimate*, and declared *he was not married to his Mother*; but still had there been any *Authentick Proof* of the *Affirmative*, I presume that *Declaration* of King Charles had been of *small Value*, especially if the *Fight at Sedgmore* had favour'd him with *Power* to have backt that *Affirmative* with the *longest Sword*; for *Victory*, which gives *Crowns*, takes off *Attainders*, and makes any body *Legitimate*.

To King Charles succeeded James the Duke of York, by whose *Abdication* the *Crown* is *Devolved* on King William, and *Settled* by
Bar.

Parliament on the Princess Ann and her Children, and on Default of such Issue, to the Heirs of His present Majesty.

Now neither His Majesty nor the Princess having any Children, it remains to examine who are the Pretenders to the Succession.

I shall first Rank all the Pretenders to the Blood Royal of England which are now in being, and Consider their Pretensions afterwards.

I shall not call Her Royal Highness the Princess Ann a Pretender, because She is Heir Apparent, Included and Declared in the present Act of Settlement. Nor shall I go back to her Father, who stands Excluded by his own Act and Deed, and the Case already Decided by Parliament: For as I shall not pretend to question Acts of Parliament and Settlements made by the Commons of England; so I shall not so much as suggest, that what they have done needs my weak Pen to Vindicate or Defend.

But waving those Two Articles, I proceed to Name the present Claimants in Being, whose Legitimacy is indisputable, and whose Titles are just and undeniable, so far as

Lines and Blood gives a Title to the English Crown.

The First and Immediate Heir, ~~as I take it,~~
is,

Anna Maria, Dutches of Savoy, Daugh-
ter to the present Duke of Orleans, by
Henrietta, Eldest Daughter to King
Charles the First, being without doubt
the Nearest of Kin to the Crown of Eng-
land, as standing in the same Degree by
the Female Line, as the Princess Ann
by the Male.

From this Lady the Title Descends to her
Son.

Prince of Piedmont and his Heirs,
or to,

Mary Dutches of Burgundy, born in 1685.

Princess of Savoy, born in 1688.

On Failure of this Line, The Crown De-
volves to the Posterity of *Elizabeth Queen of*
Bohemia, Daughter to King James the First,
whose Son *Charles Lewis, Elector Palatine, lost*
One Daughter.

Charlotte Elizabeth, now Dutches of Orle-
ans, and Heir to the Crown of England, in
Right of the Queen of Bohemia aforesaid.

This

This Lady is still living and has Two Children

Philip Duke of Chartres, And Elizabeth Charlotte, lately Married to the Duke of Lorrain.

After the Dutchess of Orleans, and her Family, the Princess of Conde Claims a Right of Succession to the English Crown, being Daughter to Edward Count Palatine, Grand Daughter to the Queen of Bohemia, or Great Grand-Child to King James the First.

Her Posterity are as follows.

Lewis Duke of Bourbon, Married to one of the French King's Natural Daughters.

Maria Theresia Mademoiselle de Bourbon.

Mary Ann Mademoiselle de Montmorancy.

Anna Maria Victoria Mademoiselle d'Enghien.

After this Family, the Sister of this Princess Claims a Title, she is Dutchess Dowager of Hannover, and has Three Daughters, the Dutchess of Mantua, the Dutchess of Modena, and the youngest Married lately to the King of the Romans.

Thus far goes the Male Line of the Queen of Bohemia, and all these Claimants are Roman Catholics.

The

The Next in Course, and the First Protestant Heir, is that Excellent Princess **Sophia**, before mentioned, **Duchess and Electress Dowager of Hannover**, Grand-Daughter to King **James the First**, and who is still living, Sister to the late Prince **Rupert**, and the only surviving Child of the Queen of **Bohemia**.

Her Children are :

1. **George Lewis**, Present Elector of **Hannover**, and his Two Sons,

1. **George Augustus**, Electoral Prince of **Hannover**.

2. **William Ernest**, Duke of **Hannover**.

2. **Christian**.

3. **Ernest Augustus**.

4. **Sophia**, a Daughter, Married to the Elector of **Brandenburg**, and is now Queen of **Prussia**, by whom she has One Son,

Frederick William, Prince of **Brandenburg**.

These are the Visible and Indisputable Heirs to the Crown of **England**. There are Two other Pretenders, whose Legitimacy being Question'd, I have reserv'd to set down by themselves.

The

The Posterity of King Charles II. by
James Duke of Monmouth, which are
James Earl of Dalketh in Scotland, and
after his Mother Duke of Buckh.
Henry Scot, without Title.

And, One Daughter.

And the Posterity of K. James II. viz.

The Prince of Wales, And
Sophia Mademoiselle d'Angleterre.

I should pass by the whole Line of Orleans
with this Observation, That they stand Exclud-
ed on the account of Religion by the Fundamen-
tal Constitution of England declar'd in Parlia-
ment; but that we have several Suggestions
made by some People, who with no very great
Good to our present Settlement, on the Head
of this Article.

First, They tell us, That if the Dutches
of Savoy shall make an Offer of sending hi-
ther her Son the Prince of Piedmont to be
brought up in the Protestant Religion, we can-
not deny him the Succession, he being Grand-
son to a Daughter of England.

Secondly, They tell us, That the King of
France, upon the Prince of Piedmont's quitting
his

his Pretensions, or dying without Issue, may Claim in Right of the Dutches of Burgundy, Daughter to the Dutches of Savoy, who is without Question the next Heir. And tho' by Act of Parliament we have thought fit to Exclude them, because Roman Catholics, it may be a good reason to us to oppose her, but it can be no good reason against her putting in her Claim, and the Sword, say they, must decide it.

These are Two Points which require some Consideration. As to the Prince of Piedmont's being brought over hither to be educated a Protestant: I make no Question but the Prince of Piedmont, after his Mother the Dutches of Savoy, is the Next Heir to the English Crown, and saying to the Parliament, the Right of disposing the English Government so, and to such Hands as they have either Power or just Reason to do if the Present Establishment was Extinct. I know nothing could be said in Bar of his Title but his Religion. Nay I must go farther, and say, That even the Prince who shall claim being a Papist

pro-

fest, does not *weaken his Claim of Right*, it only Bars the Door against him, that he cannot get at it. The Act of Parliament *Excluding a Roman Catholick from the English Succession and Crown*, does not lessen that Prince's *Right of Claim*, but it makes it *unlawful* for us to receive him unless he turn *Protestant*.

The Prince of *Piedmont* is not less an Heir to the *Crown of England* for being a *Roman Catholick*, but *England* is rendred Foreign to him by the *Act of Parliament*, whereby he *stands excluded*; that is, the Nation is arm'd by Law against receiving him; and this is apparent, because that Hour that any such Prince professes himself a *Protestant*, his *Right* takes place, and that which before was *Lawful* to do, *viz. to oppose him*, would be then *High Treason*.

It may be ask'd here, *If when your Throne is Vacant you pass by the Right Heir because he is a Papist, and proceed to the next who is a Protestant; If this Heir afterward turn Protestant, is not his Claim then Right, and ought not the Incumbent to relinquish it to him?*

Answ. In Descent of Estates such an *Objection* may be good, but in that of *Crowns* it

cannot be, Because the *Crown* is entred upon by *mutual Stipulation*, and if ye have Once admitted an Heir into Possession, and a Coronation has past, which is the *Seal of the Contract*, Nothing but *Male-administration*, *Death* or *Defection* can dissolve the Peoples *Allegiance*.

But if such Prince will qualifie himself for the *Crown*, and turn *Protestant*, he must do it in Time, and before the *Right of Devolution* fall. For *Crowns* are not to be transpos'd, and *Kingdoms* change Masters as often as Princes please to change their *Religion*.

If then the *Dutchess of Savoy* is willing to breed her Son up in the *Protestant Religion*, in Order to qualifie him to enjoy the *Crown of England*, the Way is, in my poor Opinion, first to send him into *England*, and commit him to such *Governours* as the Nation may be very well satisfied in, such as are Eminently Pious, Zealous, unbiaſt and diſinterested; if the *Government* will appoint them 'twill be so much the better; and, when this is first done, an *Ambassador* may apply himself to the *King and Parliament* with some Ground, but to Treat of it as at the present Distance, seems too Remote for us to Concern our selves about it.

As to the Claim of the *French King* in Right of the *Dutchess of Burgundy*, it must be Founded thus :

Either that the Prince of *Piedmont* may relinquish his Right to his Sister, or that the *French King* may be brought in speaking thus to the Prince of *Piedmont*, *Your Highness has a Right to the Crown of England, if you will Claim it well and good, if not, it goes to your Sister, who is with us, and if you refuse, she shall Claim it.*

'Tis Confest, That in either of these Cases the *French* will have a Colour of Claim ; for as I have Noted already, tho' by our own *Acts and Deeds*, (for every *Act of Parliament* is the *Act and Deed of the People* ;) Tho, I say, by our own *Act and Deed* we may agree among our Selves, that *Persons so qualified shall Not Reign over us*, yet, speaking of *Hereditary Right*, a *Roman Catholick Prince* cannot have the *less Right* by Birth than he had before ; the *Dutchess of Savoy* is not less the Grand-Daughter of King *Charles the First* for being a *Papist*, than she was before ; Nor is she less an Heir to the *Crown of England* than she was before ; Only the *People of England* have resolv'd, That be it her *Right* or no^r her

Right as to Birth, she shall not possess, unless she turn *Protestant*.

I might Examine here, *Whether a Right by Birth has so much in it, that it cannot be in the Peoples power to reject it, or whether it be in the People to stipulate with their Princes on what Conditions they shall ascend the Throne?* But this Dispute is so often Decided by the Practice of all Nations, that 'twould be suppos'd I only wanted something to say, if I should enter upon it here.

And tho' we have some who are very fond of calling our Government an *Elective Monarchy*, yet they cannot give us one Instance in all the last *Settlement*, wherein the *Parliament*, whatever Right they have to alter it, have not kept close to the *Right of Descent*, and followed the Right Line, unless they will suppose that the *Administration* remaining in King *William* during his Life, be an Infraction into the *Line of Succession*, which if the Doctrine of the *Abdication* be true, would be hard to make out.

But I shall not Concern my self, Whether our *Succession* shall be guided by *Descent* or *Choice of the People*: Only I shall suppose, if the *Hereditary Descent* of the *Crown* be observ'd,
who

who the Persons are to whom it so Descends, and if not, out of what Families we may direct the Choice of an Heir, so as that the *Right of Descent*, and the *Right of Election* may go hand in hand, and kiss each other.

As to the *Right* of those Princes who are *Roman Catholics*, and by our Laws are *Barr'd* from inheriting the *Crown*, let them think their *Right* as good as before, our Business is to stand by, and defend our *Constitution*; and tho' the *Power of France* may be concern'd in the *Claim*, we must do as well as we can; and when we find we cannot *Defend* ourselves against them, 'tis time then to make as good *Terms* as we can.

Under this Head therefore, I mean, of *Religion*, all the Princes of the *House of Savoy*, *Orleans* and *Conde*, with their *Numerous Offspring*, stand *Excluded* from our *Succeſſion*, and rendred *uncapable of the Government*.

The *House of Hannover* therefore, is the only *Line* which with an undisputed *Right of Descent* stands fair to *Claim the Crown of England*; and the present *Elector of Hannover*, being the *Eldest Son* of the *Lady Sophia*, before named, and *Great Grandson* to *James* the

the First, King of England, is without doubt the Next Heir of the Crown.

But since those Gentlemen, who are so fond of the Electiveness of our Kingdom, make it much their Business to find fault with Foreigners, only because they are so, as if no Man were fit to Govern the English Nation, but what was Born here; I cannot but Consider one thing, in answer to that, in order to satisfy those People, and that is, that in Case the Settlement of the Crown of England shou'd be Declar'd by Parliament in Favour of any of the Princes of the House of Hannover, that Prince may be invited over to Reside among us, to Inform himself of our Customs, Laws and Way of Living, to be acquainted with Persons and Things, to see the Temper and Genius of the Nation, and to be fully instructed in the Nature of our Constitution, and the Interests of the Nation as to Trade abroad and at home, that by his Presence he may become familiar to the People, and be beloved by them.

A Prince Born and Educated abroad must certainly be very much at a Loss when he comes to Govern a People, whose Laws and Customs, Temper and Persons he is unacquainted with.

It

It is not an *easy* matter for a Prince, with all the advantages of *Birth* and *Education* among us, to accommodate himself to the *Government* of this Great People, and he that shall come from Abroad, will have *innumerable disadvantages* in the *Nice Articles* of *Government*. He will be more liable to *Mistakes* and *False Steps* in the Choice of his Counsellors, for want of the *knowledge of Men*; and in the Choice of his Measures, for want of the *knowledge of Things*, more liable to *Mistake* himself, and above all, *much more liable to be Mistaken by us*; for the Natural ill Humour of the Nation with respect to *Foreigners*, will *Magnifie* every thing to his *Disadvantage*.

The *English* are a *Jealous Nation*, particularly as to the *Encroachments* of their *Princes upon their Liberties*. 'Tis true, they are to be *Excus'd* in some Measure, from the *Danger of Ruine* they have more than Once been in upon that account; but this will be allow'd to make them not altogether so *Easy* to their *Princes*, as otherwise they might have been; and let the Person who shall succeed, be Owner of Never so much *Candour* and *Honesty*, he will have Need of all the *first* to oblige them, and all the *last* to preserve himself.

His

His Present Majesty was the best acquainted with our *Constitution, Laws, Temper,* and whatever was *Needful* to qualifie him *for the Government of this Nation,* of any Prince in the World that had lived all his time abroad; and yet, I doubt not but His Majesty has experienced some *Disadvantages* he receives, as to *immediate management of Affairs,* for want of a more compleat Personal Knowledge both of *Things and Men.*

Knowledge of Men is one of the most useful things to a Prince; for how else shall he judge in the Trust he is to place; and how often such are betray'd who are forced to choose their *Confidants and Counsellors* by *other mens Characters,* and not their own knowledge, we need but look a little way back to see.

'Tis not a small Concern which Princes have in the Choice of their *Counsellors and Favourites*; for if they are ill serv'd by them, tho' the Law look on the *Instrument,* and punishes the *Person,* clearing the King from all supposition of Blame, yet the mismanagement of Officers and Statesmen is always suppos'd to reflect obliquely upon the *Discretion of the Prince.*

Where-

Wherefore 'twill be the real *Interest* of the Prince, whoever he be on whom the New *Settlement* shall fix, if he be a *Foreigner*, unless he be a Regent, a Sovereign in Possession, and so cannot quit his other Affairs, 'twill certainly be his *Interest*, and the *Nations* too, in many Respects, to come and Reside among us.

I might be expected to Descend to the *Right* of the Two Disputed Persons I have mentioned; and tho' 'tis a *tender Point*, yet I shall Venture to say something with relation to the *Point*, which shall be, I hope, *offensive to no body*.

The Duke of Monmouth was a Person Valued and Beloved by the *English Nation*, at no indifferent rate. Since Prince Henry, Eldest Son to King James the First, No Branch of the *Royal Blood* has been so much the *Darling of the People*, of whom Dryden in his *Ab-salon* and *Achitophel*, tho' 'twas a Satyr upon him, was forced to acknowledge:

Of all the Royal Progeny was none
So Beautiful, so Brave as Absalon

His Gallantry Abroad, his obliging Carriage

at Home, and especially his Love to his Native Country, Endear'd him to the Nation, and his Memory is Valued by them still.

That he Fell at last in the same laudable Attempt of rescuing this Nation from Popery and Tyranny, which His present Majesty performed afterward with such happy Success, was Owing to God Almighty's inscrutable Providence: But the Undertaking was no less Glorious, nor the action the less Just, nor the Memory of that Blood, which was offered up as a Sacrifice for our Liberty, Ought not to be less dear to us than it would have been if it had been Crown'd with the same Success. His Right of Succession, and the Legitimacy of his Birth, were in his Declaration submitted to the Examination of a Free Parliament, which Free Parliament never having been obtained, and that Brave English Gentleman having been Overcome or Betray'd, or whatever it was, No Man has ever had the Courage or Honesty to ask the Question first, Whether his Birth was to be proved Legitimate or no?

With a perfect subjecting my Opinion to an English Parliament, which God be praised, we now enjoy, I crave leave to say, That it seems to me a little strange, That the Blood of that Gallant

Gallant Man shou'd not leave Gratitude enough in Englishmen once to think it worth while at least, to enquire Whether he had any legal Right or no? Whether the Legitimacy of his Birth could be made out or no? Or so much as to declare, That if his Posterity have any Argument to prove it they shall be heard.

The Cause in which he died, has been revived, The Liberties for which he fought, and in the just Defence whereof he Gallantly lost his life, and so many Brave Men with him, are recovered; the Protestant Religion, for which he ventur'd is restored. Nay, the Blood of some of his Adherents and Familiars is restored by Parliament, and their Attainder taken off; And shall we have so much regard to the Cause, and have none to the Captain? So much Gratitude to the Members of that Army and none to the Head? He has a Noble Branch of his Stock left, which bears his Name and Image, it can do him no harm, to examine whether the Title of his Father had any thing in it or no; if not, the Son is not the worse, and the Nation wou'd shew an Act of Kindness as well as Gratitude, to the Immortal Memory of his Renowned Father.

Here would be an *English King*, born among us, that wou'd Claim an Interest in our *Hearts* as well as *Crown*; a King whose Value wou'd be raised upon the *Foundation* of his *Father's Merit*, and be illustrated by his *Own*.

A *Phoenix*, rais'd out of the *Ashes* of his *Father*, who Sacrificed his *Life*, to save the *People* his Son wou'd govern.

All the *Pretences* of *Foreigners*, *Claims* of *Princes*, and the Prospect of a long and bloody *War*, wou'd cease and vanish. If an *English Parliament* shou'd examine into the *Arcana's* of his *Father's Production*, and find cause to declare him *Legitimate*, all the *Claims* of the *House of Savoy* and *Orleans* wou'd be at an end: All the *Melancholy Prospect* of the *Destruction* of this *Nation* wou'd die: If the *True English Courage* and *Gallantry* of his *Father* be Descended with his *Blood*, there is no fear but he may come to be a *Glory* to the *English Throne*, and be fitly qualified to Succeed his present *Majesty*, both at the *Head* of *English Armies*, as well as at the *Helm* of *English Councils*.

If not, there can be no Harm done in examining into the *Truth* of the *Thing*, the *Justice* of the *Enquiry* is not the less, tho' the

Le-

Legitimacy should not appear. For to search after it discharges the Debt which seems to be due to the *Asbes* of his Father, and who knows what smother'd Evidences may revive, if it were encouraged by a National Authority.

If it were but Voted, That whoever could offer any Proof of the Legitimacy of the late Duke of Monmouth, should be heard, and a Committee appointed to inquire into it. This would put an End to the Case, if nothing appear'd, nothing would follow, and there would be an End of it; we were but where we are, and no body would be the worse.

One thing I believe the Succession of this Prince would bring with it, which I am afraid no other Succession will, and that is, it may preserve the present Union of Scotland.

That the Scots will join again with us in the further Settlement of the Crown, I believe few People expect; those who flight the Scots so as to think 'tis not worth while to trouble our selves whether they do or no, indeed lay no stress on this Argument. Truly nor I much upon their Judgments.

If we can expect the Scots will do that which they are sorry they did before, then indeed.

deed we may suppose they will follow us, to settle their Crown as we please to do ours.

But if we will allow the Scots to think themselves ill used by us in the matter of Darien, and some other Disadvantages of Trade, we cannot expect they will join in such a Settlement as we shall make, without appointing Commissioners to Treat of some Conditions which they want to have us comply with.

What else can the Scots mean when they tell us, They lost the advantage of making good Terms with us in their too hasty passing the last Settlement, and the Time is coming when we shall want them again.

I must confess French Councils, and French Money may do much with a Needy Nation to embroil both them and us in Case of a New Settlement; and if they should break off from us, and assert their Independent Right, which without doubt is their Due, and let up for themselves, I shall not enter into the long Detail of the Inconveniences that will follow, but One I cannot omit, *viz.* That it will oblige us to keep a standing Force, always ready to Defend us against them, to strengthen and fortifie our Borders, and thereby to fall into that
same

same Inconvenience which we have made such a
 stir about.

But if the Legitimacy of a Prince be clear'd
 up who is equally a Native of both Nations, I
 know nothing can be a greater Motive, nor
 can there be any Argument that I know of,
 from us to them, which can carry so much
 force in it to ingage that Impassible Nation to
 forget their Resentments, and acquiesce in the
 same Succession of Government with us.
 I do not examine here, Whether we have
 affronted the Scots, in declining to Treat of
 the Union they have pusht for so often; in
 laying Additional Duties on their Manufacture
 of Linnen, and in refusing to Trade with
 them in their Incroachment or Colony, I call
 it what you will, at *Darien*. Nor do I lay so much stress upon the affront-
 ing them, if we have done it, especially if they
 were singly considered, but if they are to be
 considered with relation to the present Circum-
 stances of Europe, more may be said upon that
 Article than is fit to be made publick.
 I would forbear also giving Offence in this
 Article of the Succession to those whose parti-
 cular Province it is, and in whose Hands the
 right

right of discussing this great Head of our Felicity is Deposited ; and therefore I think it necessary to explain my self.

I do not where enter into the Merit of the Cause, however I may be Convinc'd my self of the Legitimacy of the Father, and the Right of the Son, which indeed I never doubted of, and freely ventured for ; But since in a Nation where Civil Justice is Regnant, every English Subject has a Right to demand Relief. If he be injur'd, it is but equal that Inquisition be made into the Claim of a Person of this Figure, and that it only be examin'd, whether he has any such Right or no. The bare Enquiry can do nobody any harm, and the Title of other Pretenders is not at all lessened by it.

It has been objected to me since I thought of this Affair, That to start such a thing would be to Expose the Life of the young Gentleman we speak of.

Ans. In France or Turkey such an Argument might be good, and I should have been very Cautious of Starting the Case, but I have banished the Suggestion on the same account that Numa omitted to make a Law against Parricide in Rome, as a Crime too horrid to be nam'd among the Citizens.

The

The sum of the matter is this, That the Legitimacy of the Duke of Monmouth may be Examined into, and the Title of his Son consider'd, and such Measures taken thereupon, as to Right and Justice is due, and to our wise Legislators shall seem meet.

I will not Dispute, Whether the Parliament of England, in settling the Succession may not have a Right to fix it as they see cause, and avoid the Lineal Descent of this Family or any other.

But if so, then they have a Power as well to fix it upon this Heir as another, whether the Legitimacy be examined or no: and the Crown of England Naturalizes and Legitimizes any Body.

Nay, Herein the Person we speak of, has infinitely the advantage of all Pretenders; for if we have any Remembrance of the Blood of his Father, which was pour'd out by the Enemies of the Protestant Religion, in Defence of that Religion, and the English Liberty: If vve have any Remembrance of the Bravery and Gallantry of his Person, and how tenderly the

E

Na-

Nation lov'd him. If vve have any sense of the many miserable Families that perish'd with him in the same Cause, we cannot but give way to the Just Claim that Blood makes, and shew our Gratitude to his Posterity.

I had proceeded here to consider the Pretensions of the pretended Prince of Wales; and tho' I am prevented very well by a late Argument proving he has no Claim to the Crown, tho' he were a Protestant, yet I must also say,

That if vve go back to the Right of the late Duke of Monmouth, and allow him to be Legitimate, the Title of the other falls of course, and tho' he were the True Son of the late King, and a Protestant also, he has no more Title to the Crown than the Lord Mayor of Dublin.

It may be objected here, That King Charles the Second publicly Disclaimed the Duke of Monmouth's Legitimacy. Answer. So King James II. publicly asserted the Legitimacy of his Son. And if One

vvas not believ'd in the *Affirmative*, vvhy should the other in the *Negative*?

Besides, 'Tis well known under vvhat *Influences*, and by the *Conduct* of vvhat *Councils* that Prince acted vvhen he made *that Declaration*, the same *Conduct* and *Councils* that afterwards publickly assaulted the *English Liberties*, and then proceeded to attempt the *Subversion* of the *Protestant Religion*: Both vvhic^t Attempts this Noble Gentleman vigorously appear'd against, and to his Utmost Opposed, and thereby disobliged his Father, who was too deeply ingaged in that Party and Design, and for them vvvas prevailed upon to *Disclaim*, and consequently *Disinherit* His Son.

So that his *Early Appearing* for the *True Liberty* and *Interest* of his Country first Cast him into the *Displeasure* of his Father, and all the *Indignities* of a provoked and prevailing Party: And the *Iust Defence* of the same *Liberty*, and the *Protestant Religion*, against the *Encroachments* of a *Popish King* at last Cost him his Life, which join'd to the infinite *Sufferings* he underwent in

his *several Banishments, his Flight, Imprisonment, and last Moments* are more than sufficient, had they been for the *Popish Interest*, to have given him the Title of a *Martyr*.

Since the late Happy Revolution, Care has been taken to Vindicate the Honour of some Noble Families who fell in the same Calamities: The Sufferings of others have been Considered, Even to the most Contemptible Persons of F----- and Dr. O----- And several of the Remnant of that little Army have been provided for, and preferred. We see those who joined with the Duke of Monmouth rewarded with Honours, Preferments and Trusts, both by Court and Country, and their early Zeal for the Protestant Religion approv'd, so as they have had Considerable Commands in our Protestant Armies: But what Gratitude this Nation has expressed, either to the Memory, Blood or Posterity of that Noble Victim, I profess my self at a Loss to find out. I hope the more is yet to come.

A De

A Declaration, either of his *Legitimate Right*, or of his *Eminent Interest* in the Hearts of the *English Nation*, so as to Establish the Crown on his *Posterity*, would abundantly Compensate the Sufferings of his Family, and leave an Honourable Testimony to Future Ages, both of the Merit of his Father, and the Gratitude of the *English Nation*.

And if this Cause cannot be Clear'd up, nor the *English Crown* go this way; yet something, methinks, should be thought on, to restore the Blood and Honour of a Gentleman who laid them Both down for the Liberty and Religion of his Country.

AND this I cannot but add, That what is said here is so far from a Mixture of *Interest* and *Parties*, that the Author hereof is not known to either the Person or Family of the present Earl of *Dalkeith*, or any of his Relations or Dependents: Nor is it Wrote to promote any *Faction* or *Party*, but *Honestly Design'd* to put us in Mind of the Merits of that Noble

ble Person, for whom Once the whole Nation had so Great an Esteem, that 'tis strange how it should come to be so Much forgotten!

Hearts of the English Nation, to ascribe to him the Crown on his Pedestal, would abundantly compensate the Sufferings of his Family, and leave an Honourable Memory to future Ages, both of the Merit of his Father, and the Gratitude of the English Nation.

And if this Cause cannot be cleared

yet something should be thought on to relieve the Honour of a Gentleman who laid down his Blood for the Liberty and Religion of his Country.

FINIS.

AND this is all that what is said here is to far from a Mixture of Interest and Partiality, that the Author thereof is not known to either the Person or Family of the present Earl of Dartmouth, or any of his Relations or Dependents: Nor is it written to promote any Faction or Party, but merely Desir'd to put us in Mind of the Merits of that Noble

